



## Open Container Laws

### Responsibility.org Position:

Responsibility.org supports open container laws in states as part of a comprehensive strategy to reduce the occurrence of drunk driving. We encourage states to pass strong open container laws that meet the criteria outlined by the US Federal Government and to couple the implementation of these statutes with high visibility enforcement to maximize deterrence. Responsibility.org also supports the passage of open container laws related to cannabis to reduce consumption while driving.

*This paper includes the most current and relevant data for this position as of January 9, 2025.*

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### Overview:

Open container laws aim to reduce drunk driving by prohibiting individuals from possessing open containers of alcohol in a vehicle; **these laws can apply to drivers alone or both drivers and passengers. They may also apply even if the vehicle is not in motion.** Congress mandated open container laws in 1998, which reduces highway construction funds for states that do not comply. To meet federal regulations, state open container laws must conform to the following criteria:

- Prohibit both possession of any open alcoholic beverage container and consumption of any alcoholic beverage in a motor vehicle;
- Have provisions that cover the entire passenger area of any motor vehicle, including any unlocked glove compartments and accessible storage areas;
- Apply to all beverage alcohol including beer, wine, and spirits;
- Apply to all vehicle occupants (notable exceptions include passengers of limousines, buses, taxi cabs, or persons in the living quarters of motor homes);
- Apply to all vehicles on public highways or right-of-way of a public highway (includes the roadway and shoulder); and,
- Require primary enforcement of the law (NHTSA, 2008).

### Research Highlights:

- In an evaluation of the effectiveness of several drunk driving policies, Eisenberg (2001; 2003) estimated that the implementation of open container laws results in a 5.1% reduction in fatal crashes for all drivers.

- In a study of four states that modified existing open container laws to come into compliance with federal requirements in 1999, Stuster et al. (2002) found that there were declines in alcohol-involved fatalities in three of the states in the six months following the implementation of the law. However, these results were not deemed statistically significant.
- Stuster et al. (2002) also determined that states that lack open container laws have higher proportions of alcohol-involved fatal crashes than those states that had laws that either partially or fully conformed to the federal requirements.
- Public opinion research has found strong support for open container laws. In NHTSA's National Survey of Drinking and Driving (Royal, 2000), approximately 88% of respondents believe that states should implement an open container law.
- Open container laws are associated with fewer alcohol-related fatalities (Ying et al., 2013; Whetten-Goldstein et al., 2000).
- Active and consistent enforcement of open container laws is essential to their effectiveness. One study found that self-reported impaired driving was 17.5% lower in states that actively enforced open container laws compared to those that did not (Lenk et al., 2016).

### **Prevalence:**

Most states and the District of Columbia have laws prohibiting possession or consumption of open containers of alcohol in motor vehicles for both drivers and passengers. As of 2024, 10 states—Alaska, Arkansas, Connecticut, Delaware, Louisiana, Mississippi, Missouri, Ohio, Tennessee, and Virginia—do not comply with federal open container requirements, and most states have provisions prohibiting alcohol consumption by drivers (though not always passengers). Mississippi is the only state without an explicit prohibition on possessing an open container of alcohol while driving.

### **Cannabis Open Container Laws:**

States that have legalized cannabis are creating open container laws for cannabis products, modeled after alcohol laws. While there are no federal requirements for this law variation, these laws aim to prevent consumption while driving and require cannabis products to be secured, unopened, and out of reach for any occupant in the vehicle. **As more states establish recreational cannabis programs, these laws are expected to become more widespread.**

Access Responsibility.org's interactive State Laws Maps on open container laws for [alcohol](#) or [cannabis](#) for more details.

### **References:**

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